

Mushroom Transp. Co., 249 B.R. 632, 633 n.1 (E.D. Pa. 2000) (citing Rottmund v. Cont'l Assurance Co., 813 F. Supp. 1104, 1107 (E.D. Pa. 1992)).

In my original order, I noted that the Court's jurisdiction over this case is based on the Social Security Act, 42 U.S.C. § 405(g), which ordinarily does not permit discovery, and I found no circumstances warranting the same. To the extent Plaintiff raises the same arguments in her Motion for Reconsideration as in her original Motion to Compel, I reviewed these arguments thoroughly in considering her initial motion and they are not grounds for reconsideration. Plaintiff's new citation to Hummel v. Heckler, 736 F.2d 91 (3d Cir. 1984) as an exception to the no discovery rule is likewise unpersuasive. In Hummel, the claimant was allowed to engage in limited discovery for the purpose of determining facts bearing on possible ALJ bias of which she became aware after the administrative proceedings had concluded. Id. at 95. Plaintiff, however, has not alleged circumstances analogous to the factual scenario in Hummel. Plaintiff here relies on a spoliation of evidence theory involving material she believes was withheld from the administrative record. Given that the administrative record is still being prepared and has not yet been filed with the Court, this argument is speculative, at best. A party's speculation as to what the record may or may not contain is not grounds for granting a motion to compel discovery or for reconsideration of an order denying the same.

Accordingly, this 24th day of March, 2021, it is ORDERED that Plaintiff's Motion for Reconsideration of (ECF No. 46) is DENIED.

BY THE COURT:



Donetta W. Ambrose,
United States Senior District Judge